FEDERAL RULES OF EVIDENCE

The text of the Federal Rules of Evidence enacted into law by Pub. L. 93–595, §1, Jan. 2, 1975, 88 Stat. 1929, is set out in the Appendix to Title 28, Judiciary and Judicial Procedure. Rule 1101(b) of the Rules of Evidence provides that the rules apply generally to civil actions and proceedings, including admiralty and maritime cases, to criminal cases and proceedings, to contempt proceedings except those in which the court may act summarily, and to proceedings and cases under the Bankruptcy Act.

FEDERAL RULES OF CRIMINAL PROCEDURE

(As amended to January 2, 2001)

HISTORICAL NOTE

The original Federal Rules of Criminal Procedure were adopted by order of the Supreme Court on Dec. 26, 1944, transmitted to Congress by the Attorney General on Jan. 3, 1945, and became effective on Mar. 21, 1946.

The Rules have been amended Dec. 27, 1948, eff. Jan. 1, 1949; Dec. 27, 1948, eff. Oct. 20, 1949; Apr. 12, 1954, eff. July 1, 1954; Apr. 9, 1956, eff. July 8, 1956; Feb. 28, 1966, eff. July 1, 1966; Dec. 4, 1967, eff. July 1, 1968; Mar. 1, 1971, eff. July 1, 1971; Apr. 24, 1972, eff. Oct. 1, 1972; Nov. 20, 1972, eff. July 1, 1975, pursuant to Pub. L. 93-595; Mar. 18, 1974, eff. July 1, 1974; Apr. 22, 1974, eff. in part Aug. 1, 1975, and Dec. 1, 1975, pursuant to Pub. L. 93-361 and Pub. L. 94-64; Dec. 12, 1975, Pub. L. 94-149, §5, 89 Stat. 806; Apr. 26, 1976, eff. in part Aug. 1, 1976, and Oct. 1, 1977, pursuant to Pub. L. 94-349 and Pub. L. 95-78; Apr. 30, 1979, eff. in part Aug. 1, 1979, and Dec. 1, 1980, pursuant to Pub. L. 96–42; Apr. 28, 1982, eff. Aug. 1, 1982; Oct. 12, 1982, Pub. L. 97-291, §3, 96 Stat. 1249; Apr. 28, 1983, eff. Aug. 1, 1983; Oct. 12, 1984, Pub. L. 98-473, title II, §§ 209, 215, 404, 98 Stat. 1986, 2014, 2067; Pub. L. 98-596, §11(a), (b), Oct. 30, 1984, 98 Stat. 3138; Apr. 29, 1985, eff. Aug. 1, 1985; Oct. 27, 1986, Pub. L. 99–570, title I, \(\xi\) 1009(a), 100 Stat. 3207–8; Nov. 10, 1986, Pub. L. 99–646, \(\xi\) 12(b), 24, 25(a), 54(a), 100 Stat. 3594, 3597, 3607; Mar. 9, 1987, eff. Aug. 1, 1987; Apr. 25, 1988, eff. Aug. 1, 1988; Nov. 18, 1988, Pub. L. 100–690, title VI, §6483, title VII, §§7076, 7089(c), 102 Stat. 4382, 4406, 4409; Apr. 25, 1989, eff. Dec. 1, 1989; May 1, 1990, eff. Dec. 1, 1990; Apr. 30, 1991, eff. Dec. 1, 1991; Apr. 22, 1993, eff. Dec. 1, 1993; Apr. 29, 1994, eff. Dec. 1, 1994; Sept. 13, 1994, Pub. L. 103-322, title XXIII, §230101(b), title XXXIII, §330003(h), 108 Stat. 2078, 2141; Apr. 27, 1995, eff. Dec. 1, 1995; Apr. 23, 1996, eff. Dec. 1, 1996; Apr. 24, 1996, Pub. L. 104–132, title II, §207(a), 110 Stat. 1236; Apr. 11, 1997, eff. Dec. 1, 1997; Apr. 24, 1998, eff. Dec. 1, 1998; Apr. 26, 1999, eff. Dec. 1, 1999; Apr. 17, 2000, eff. Dec. 1, 2000.

I. SCOPE, PURPOSE, AND CONSTRUCTION

Rule

- Scope.
- 2. Purpose and Construction.
 - II. PRELIMINARY PROCEEDINGS
- 3. The Complaint.
- 4. Arrest Warrant or Summons Upon Complaint.
 - (a) Issuance.
 - (b) Probable Cause.
 - (c) Form.
 - (1) Warrant.
 - (2) Summons.
 - (d) Execution or Service; and Return.
 - (1) By Whom.
 - (2) Territorial Limits.
 - (3) Manner.
 - (4) Return.
- 5. Initial Appearance Before the Magistrate Judge.
 - (a) In General.
 - (b) Misdemeanors and Other Petty Offenses.
 - (c) Offenses Not Triable by the United States Magistrate Judge.
- 5.1. Preliminary Examination.

Rule

- (a) Probable Cause Finding.
- (b) Discharge of Defendant.
- (c) Records.
- (d) Production of Statements.
 - (1) In General.
 - (2) Sanctions for Failure to Produce Statement.

III. INDICTMENT AND INFORMATION

6. The Grand Jury.

- (a) Summoning Grand Juries
 - (1) Generally.
 - (2) Alternate Jurors.
- (b) Objections to Grand Jury and to Grand Jurors.
 - (1) Challenges.
 - (2) Motion To Dismiss.
- (c) Foreperson and Deputy Foreperson.
- (d) Who May Be Present.
 - (1) While Grand Jury is in Session.
 - (2) During Deliberations and Voting.
- (e) Recording and Disclosure of Proceedings.
 - (1) Recording of Proceedings.
 - (2) General Rule of Secrecy.
 - (3) Exceptions.
 - (4) Sealed Indictments.
 - (5) Closed Hearing.
 - (6) Sealed Records.
- (f) Finding and Return of Indictment.
- (g) Discharge and Excuse.

The Indictment and the Information.

- (a) Use of Indictment or Information.
- (b) Waiver of Indictment.
- (c) Nature and Contents.
 - (1) In General.
 - (2) Criminal Forfeiture.
 - (3) Harmless Error.
- (d) Surplusage.
- (e) Amendment of Information.
- (f) Bill of Particulars.
- Joinder of Offenses and of Defendants.
 - (a) Joinder of Offenses.
 - (b) Joinder of Defendants.
- 9. Warrant or Summons Upon Indictment or Information.
 - (a) Issuance.
 - (b) Form.
 - (1) Warrant.
 - (2) Summons.
 - (c) Execution or Service; and Return.
 - (1) Execution or Service.
 - (2) Return.
 - (d) Abrogated.

IV. ARRAIGNMENT, AND PREPARATION FOR $$\operatorname{TRIAL}$$

- 10. Arraignment.
- 11. Pleas.

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- (a) Alternatives.
 - (1) In General.
 - (2) Conditional Pleas.